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7 Before the
8 FEDERAL COMMUNICATIONS COMMISSION
9 Washington, D.C. 20554

10 In the Matter of)
11 Closed Captioning and Video) CC Docket No. 95-176
12 Description of Video)
13 Programming)

14 COMMENTS OF
15 Washington State Association of the Deaf

16 I. Introduction

17 The Washington State Association of the Deaf submits these
18 comments to the Federal Communications Commission's (FCC's)
19 Notice on Inquiry (NOI) on closed captioning and video
20 description. We also wish to express our support for the
21 comments submitted in response to this NOI by the National
22 Association of the Deaf and the Consumer Action Network. We
23 applaud the FCC on its commitment to telecommunications access
24 for all Americans and thank the FCC for the opportunity to submit
25 these comments.
26

27
28 WSAD Comments to the FCC in the matter of
Closed Captioning and video Programming

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1 II. Benefits of Closed Captioning

2 Television provides a lifeline to the world, in the form of
3 news, information, education, and entertainment. Just as a
4 hearing person can derive little or no benefit from watching
5 television with the volume off, a deaf or hard of hearing person
6 can derive little or no benefit from watching a program with no
7 captions. Because it is so integral to one's understanding and
8 enjoyment of video programming, captioning needs to become an
9 integral part of the production of all video programming. A
10 producer or video provider would not think of exhibiting a
11 television show without its soundtrack; neither, in the future,
12 should a producer or video provider consider displaying a show
13 without its captions.

14
15 Television without captioning and without sound is not much
16 more than a moving picture display of talking, bobbing heads with
17 pantomimed movements and pretty background scenes and props.
18 Television plays a greater role among deaf people because of the
19 inability to enjoy the benefits of nonvisual devices such as
20 radio. It is absolutely essential and necessary that television
21 be an equal playing field so those having hearing loss are able
22 to take full advantage of this medium. While other groups benefit
23 from captioned television programs, it is primarily to people
24 with hearing that television must be made completely accessible.

1 Other audiences can benefit from captioning as well.
2 Research and anecdotal evidence shows that captioning has
3 improved reading and English skills for children, illiterate
4 adults, persons learning English as a second language, and
5 remedial readers. In addition, captioning can help viewers
6 understand the audio portion of television programs in noisy
7 locations such as airports, hotel lobbies, and restaurants, or in
8 quiet ones, such as government and private offices.

9
10 The number of deaf and hard of hearing people is more than
11 26 million. This number is increasing rapidly because of three
12 reasons: (1) As the population ages, the number of people with
13 the potential for hearing loss increases; (2) The increased
14 exposure to noise, which is the leading cause of hearing loss;
15 and (3) the rapid increase in the number of people under 30 with
16 hearing loss due to excessive exposure to extremely loud music.
17 Washington State has a large number of Asian and Mexican
18 populations that are learning English as their second language.
19 They watch the captioned television programs to learn about the
20 American culture and at the same time learn and associate English
21 with the subject matter, plot, and moods being played out on the
22 television program.

1 III. Availability of Closed Captioning

2 Although 100% of prime time and children's programming on
3 network broadcasts are captioned, most of the top 25 basic cable
4 stations caption little or none of their programs. Broadcast
5 networks such as ABC, NBC, and CBS have almost all of their
6 network originated shows captioned, but syndicated shows on these
7 network owned and operated affiliates are not all captioned.

8
9 The basic cable networks are a different story. With the
10 exception of CNN, Headline News, HBO, and USA, there isn't any
11 commitment to captioning. Other networks only caption programs
12 because of government grant or sponsor money being available.
13 Some cable networks even refuse free captioning. In fact, it is
14 difficult getting the cable networks to reformat the captions on
15 a captioned show that had to be reformatted for the cable
16 network. This cost is about one-fourth the original show. The
17 reason so many shows are getting captioned on cable is because of
18 government money.

19
20 Locally produced programs have the greatest obstacles toward
21 captioning. These shows have the least funding availability, lack
22 of captioning knowledge and lack of access to captioning
23 equipment.

24
25 The electronic newsroom which at one time seemed to be the
26

1 answer to the captioning problems for local news has turned out
2 to be opposite. The local station which made an initial
3 investment for equipment and software, feels their commitment
4 ends there. They do not want to spend any more money on
5 captioning. Yet, no one with a hearing loss is satisfied with
6 this system. While it might be better than nothing, very often
7 the whole news story is left untold as they switch to the field
8 for half the story. Anything in the field, live, weather, and
9 sports are not captioned. This is about half the broadcast.
10 Emergencies remain uncaptioned. No one has the time, staff, or
11 patience to script the emergency on the computer so it can be
12 transmitted with captions. Much of the broadcast are spontaneous.
13 The only way to have captions is for it to be real time captions.

14
15 Please refer to Appendix A in the back of this Comment how
16 the deaf has rated and ranked the local news organizations in
17 Washington State according to the captioning quality.

20 IV. Funding of Closed Captioning

21 The Commission is correct when it states that the federal
22 government has played an important historical role in the funding
23 of captioning. For example, the Department of Education has
24 contributed significant funds directly to network broadcasters
25 for the captioning of syndicated programming. Because the

1 Telecommunications Act of 1996 now mandates captioning, video
2 providers and owners will be soon be responsible for funding
3 their own captioning. We support redirecting federal funds that
4 are still available to funding research for improved captioning
5 technology, providing subsidies for programmers that can show
6 undue burden, and providing seed money for the captioning of
7 programs by low-budget programmers and video program owners.

10 V. Quality

11 The quality of closed captions varies considerably, and
12 affects the ability to enjoy and understand a television show. We
13 have encountered scrambled caption signals, poor caption
14 spelling, captions that are not produced verbatim or shortened,
15 captions out of synch with the background program the captions is
16 supposed to follow contemporaneously, captions too fast or too
17 slow to read, and captions appearing but does not clue the viewer
18 who spoke what. These errors can make or break a deaf viewer's
19 enjoyment and understanding of the show.

21 The FCC should establish minimum standards to ensure the
22 high quality of captioning services. We propose the following
23 guidelines to assist in the development of such standards:

- 25 1. Individuals who depend on captioning must receive

1 information about the audio portion of the program which is
2 functionally equivalent to the information available through the
3 program's soundtrack. In order to meet this standard, caption
4 data and information contained in the program's soundtrack must
5 be delivered intact, throughout the entire program.

6
7 Captions are intended to replace the audio portion of a
8 program; where the Commission imposes requirements to caption
9 particular programs, those programs should be captioned in their
10 entirety, as should the commercials and station news segments
11 aired during their breaks.

12
13 2. Requirements for proper spelling, grammar, timing,
14 accuracy and placement of captions should be designed to achieve
15 full access to video programming.

16
17 3. Captions should include not only verbal information, but
18 other elements of the soundtrack necessary for accessibility.
19 These must include identification of the individual who is
20 speaking where this is unclear to the viewer, sound effects, and
21 audience reaction.

22
23 4. Captions should be provided with the style and standards
24 which are appropriate for the particular type of programming that
25 is being captioned. For example, often local newscasts are
26

1 captioned with computer-generated captioning - also known as
2 electronic newsroom captioning. This method simply does not
3 provide functionally equivalent video service because it misses
4 the captioning of live interviews, sports and weather updates,
5 school closings, and other late breaking stories which are not
6 pre-scripted. Additionally, this method produces captions which
7 are typically out of sync with what is being reported, lagging
8 far behind or jumping way ahead of the anchor person's
9 statements. For all of these reasons, the Commission should
10 require real time captioning for local news broadcasts and all
11 other live programming. Real time captioning uses a caption
12 stenographer to simultaneously caption live audio programming,
13 ensuring that viewers receive complete and up-to-the-minute
14 captions of all that is on the soundtrack.

15
16 5. Captions must be reformatted as necessary if the
17 programs on which they have been included have been compressed or
18 otherwise edited. Videos are frequently edited as they move from
19 movie theaters to premium cable stations to basic cable stations
20 to syndication. This editing process typically entails removing
21 frames of the video to compress it into a smaller time period.
22 Video providers must be required to reformat captions on programs
23 that have been edited to ensure that such captions are presented
24 intact and in place.

1 6. Care must be taken to ensure that captioning remains
2 intact as it moves through the distribution chain from its point
3 of origination to the local video provider. Often captions on
4 programs that are initially intact either arrive scrambled or are
5 even stripped by the time such programs reach their final cable
6 or local network destinations. This problem can easily be
7 remedied by requiring individuals positioned at signal monitoring
8 stations to monitor captions as they pass from a program's site
9 of origination to local affiliates, cable providers, or other
10 final destinations.

11
12 7. Open character generated announcements, such as
13 emergency warnings, weather advisories, election results, and
14 school closings should not obstruct or be obstructed by closed
15 captions. Standards need to be developed to ensure the proper
16 placement of these open scrawls.

17
18 In developing the above minimum standards, the Commission
19 should work closely with deaf and hard of hearing individuals and
20 captioning services who have had first hand experience with
21 captioning. We propose the creation of a regulatory negotiated
22 rulemaking committee for this purpose.

1 VI. Transition

2 The Commission has requested comment on appropriate
3 timetables for providing captioning of video programming. The
4 target for any set of timetables implemented by the Commission
5 should be 100 percent captioning of all television programs,
6 subject to the undue burden exemptions. No category of
7 programming should be completely exempt from the captioning
8 requirements. We recognize, however, that a goal of 100%
9 captioning will not be met overnight. Accordingly, we propose
10 initially requiring premium cable stations to caption 100 percent
11 of their programs within 90 days of the effective date of the
12 FCC's rules.

13
14 We also propose that the FCC develop a set of timetables
15 that will begin to require captioning for new programs
16 (i.e. programs that are first published or exhibited after the
17 effective date of the FCC's captioning regulations) within six
18 months after the effective date of the FCC's rules. Timetables
19 for captioning can thereafter depend on the size of the video
20 programmer/owner (with larger programmers and owners being
21 subject to the Commission's rules more quickly), the type of
22 program (with news and current affairs taking first priority),
23 and the airing time for the program (with requiring the
24 captioning of prime time shows before other time slots). Again,
25 although some programmers and owners may have additional time to

1 | comply with the captioning rules, the Commission should set as
2 | its ultimate objective 100 percent captioning for all those not
3 | exempted because of an undue burden.

4 |
5 |
6 | VII. Conclusion

7 | On February 8, 1996, President Clinton signed the
8 | Telecommunications Act of 1996 into law. For the first time in
9 | our nation's history, that law mandates the provision of closed
10 | captioning for nearly all television programming. The Conference
11 | Report accompanying this Act states that it is "the goal of the
12 | House to ensure that all Americans ultimately have access to
13 | video services and programs, particularly as video programming
14 | becomes an increasingly important part of the home, school, and
15 | workplace." Conf. Rep. No. 104-458, 104th Cong., 2d Sess. (1996)
16 | at 183-4. In keeping with this goal, the FCC initiated this NOI
17 | so that it could gather the information needed to promulgate
18 | comprehensive regulations on video captioning. We thank the FCC
19 | for doing so, and urge the Commission to complete this proceeding
20 | and issue captioning rules in an expedited fashion.

21 |
22 | Respectfully submitted,

23 | 
24 | Michael J. Izak, President
25 | Washington State Association of the Deaf

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Appendix A

Rank	Station	City	Channel	Basic News	Weather	Live Reporting	News Specials First Aired	Emergency news	Syncs with video	Comments
1	CBS/KSTW	Seattle	11	Yes	Yes	Yes	Yes	Yes	Yes	Real time reporting; Excellent
2	CNN		Cable	Yes	Yes	Yes	Yes	Yes	Yes	Certain scheduled segments; Excellent
3	CNN Headline		Cable	Yes	N/A	N/A	N/A	N/A	Yes	Certain scheduled segments; Excellent
4	UPN/KIRO	Seattle	7	Yes	No	No	No	No	85% of time	Canned Teleprompter; Average
5	ABC/KOMO	Seattle	4	Yes	No	No	No	No	75% of time	Canned Teleprompter; Below Average
6	NBC/KING	Seattle	5	Yes	No	No	No	No	75% of time	Canned Teleprompter; Below Average

NOTE:

The major cities of Wenatchee, Yakima, Richland, Kennewick, and Longview, Washington does not have any captioned local news.

The major cities of Spokane and Vancouver, Washington carry re-broadcast local news originally shown in the Seattle-Everett-Tacoma area.